

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

AMNESTY INTERNATIONAL USA, CENTER
FOR CONSTITUTIONAL RIGHTS, INC., and
WASHINGTON SQUARE LEGAL SERVICES,
INC.,

Plaintiffs,

v.

07 CV 5435 (LAP)

CENTRAL INTELLIGENCE AGENCY,
DEPARTMENT OF DEFENSE, DEPARTMENT
OF HOMELAND SECURITY, DEPARTMENT
OF JUSTICE, DEPARTMENT OF STATE, and
THEIR COMPONENTS,

**DECLARATION OF SANDY
FORD PAGE**

Defendants.

I, Sandy Ford Page, hereby declare and state as follows:

1. I am a Supervisory Program Analyst for the Office of Risk Management and Analysis, which is a subcomponent of the National Protection and Programs Directorate of the Department of Homeland Security (“DHS” or the “Department”). I make this declaration in support of the Department of Homeland Security’s Motion for Partial Summary Judgment. The statements I make in this declaration are made on the basis of personal knowledge, my review of the FOIA files regarding this matter, and information I have received in the performance of my official duties.

2. I was responsible for the Freedom of Information Act (“FOIA”) Program of DHS’s Office of Intelligence and Analysis (“I&A”) from approximately August 2004 through August 2006. As such, I was responsible for the I&A searches described in this declaration.

Receipt Of Plaintiffs' FOIA Request

3. By letter dated April 25, 2006, Plaintiffs Amnesty International USA and Washington Square Legal Services, Inc. (collectively, "Plaintiffs") submitted a FOIA request addressed to I&A, entitled "Request Submitted Under the Freedom of Information Act for Records Concerning Detainees, including 'Ghost Detainees/Prisoners,' 'Unregistered Detainees/Prisoners,' and 'CIA Detainees/Prisoners'" (the "FOIA Request" or "Plaintiffs' FOIA Request"). The FOIA Request sought records regarding "individuals who were, have been, or continue to be deprived of their liberty by or with the involvement of the United States and about whom the United States has not provided public information," including records regarding their "apprehension, transfer, detention, and interrogation." A true and complete copy of Plaintiffs' FOIA Request is attached to this declaration as Exhibit A.

4. By letter dated April 27, 2006, I&A acknowledged receipt of Plaintiffs' FOIA Request. A true and complete copy of the April 27, 2006 acknowledgement letter is attached to this declaration as Exhibit B.

I&A's Search

5. On April 27, 2006, I&A was tasked with conducting a search for any records responsive to the FOIA Request.

6. In reviewing Plaintiffs' FOIA Request, our staff determined that I&A would not likely have records responsive to the request, in light of I&A's mission, and because I&A does not have any programs, known to our FOIA staff, which involve detaining individuals "about whom the United States has not provided public information." The mission of I&A is to provide intelligence support to DHS and to law enforcement and first responders at the federal, state, and local levels, as well as to support efforts by major cities throughout the United States, as well as

U.S. territories and possessions, to secure the homeland, defend the citizenry, and protect critical infrastructure. I&A does not conduct field operations.

7. As of April 27, 2006, I&A was composed of eight divisions: the Alternative Analysis Division, which functioned primarily as a think tank regarding potential threats; the Current Intelligence/Watch & Warning Branch, which triaged information to provide appropriate threat warnings, and also coordinated exercise support (e.g. simulated emergency exercises); the Collections Requirements Management Division, which coordinated information collection regarding particularized threats; the Homeland Infrastructure Threat and Risk Analysis Center, which focused on threats to national infrastructure; the Homeland Threat Analysis Division, which produced, inter alia, intelligence assessments and forecasts regarding threats to the homeland; the Production Management Division, which shared I&A intelligence information with other agencies within the intelligence community; the Information Sharing and Knowledge Management Division, which was primarily an information technology division, tasked, inter alia, with maintaining the computer systems of I&A; and, the Plans and Integration Division, which planned I&A strategies and served as liaison with the intelligence community. None of I&A's divisions were engaged in apprehension, transfer, detention, or interrogation.

8. Although I&A was unlikely to have any documents responsive to the FOIA Request, I&A nonetheless conducted a search of each of its divisions. Specifically, each division received a copy of the request and searched its documents, both classified and unclassified. The divisions searched documents electronically because, within I&A, almost all documents are maintained in electronic form and, where hard copy documents exist, they are generally scanned to be maintained in an electronic form.

9. In each division, I&A searched the division's electronic files maintained on each

of I&A's available shared drives. I&A's shared drives consist of its local area networks: a Shared Q drive (A,B,C) LANs, and a Shared S drive (C) LAN. The Shared Q drive includes I&A's e-mails and electronic records at all classification levels. The Shared S drive contains raw intelligence information and associated products, primarily for the Current Intelligence/ Watch & Warning Branch. I&A searched its shared drives using the Microsoft Windows XP search engine.

10. Each division had a copy of the FOIA Request when conducting their searches. The following search terms were used: "detainees" or "prisoner" and "ghost"; "unregistered detainees" and "ghost" or "prisoners"; "CIA detainees" and "prisoners" or "ghost"; "US Government" and "ghost detainees" or "prisoners." The queries returned no results.

11. I&A also searched its Information Intelligence Fusion Database and the National Terrorist Database. The Intelligence Fusion database is located on the Q drive, and contains finished intelligence products, e-mails associated with those products, and the I&A Library, which is an electronic library accessible by I&A. The National Terrorist Database contains products and e-mails associated with the Current Intelligence/Watch & Warning Branch. These databases were searched with the terms listed in paragraph 10. The queries returned no results.

12. In addition, the I&A FOIA representative conducted a search of the collective drives of all of the divisions, thus duplicating the efforts of the divisions. The search was conducted as described in paragraphs 9 through 11 above. The FOIA representative's queries returned no results.

13. On July 25, 2006, I informed Plaintiffs that no responsive records had been located. A true and complete copy of the July 25, 2006 letter is attached to this declaration as Exhibit C.

14. Each step in handling this FOIA Request was consistent with the DHS procedures for responding to requests under the FOIA. All files likely to contain responsive materials were searched.

I declare under penalty of perjury that the matters set forth in this declaration are true and correct to the best of my knowledge and belief.

Dated: November 30, 2007
Washington, District of Columbia

Sandy Ford Page
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